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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION
OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

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The meeting was called to order at 10.05 a.m.

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

(b) XENOPHOBIA

(c) WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 3) (E/CN.4/Sub.2/2000/11, E/CN.4/Sub.2/2000/NGO/8, E/CN.4/Sub.2/2000/NGO/15, A/CONF.189/PC.1/13 and Add.1)

1. Mr. RODRÍGUEZ CUADROS, referring to Mr. Pinheiro's working document containing proposals relating to the work of the World Conference (A/CONF.189/PC.1/13/Add.1), drew attention to one of the points which Mr. Pinheiro had considered to be a matter of priority for the Conference, namely, the phenomenon of xenophobia with regard to the situation of migrant workers. Even while the universal values of democracy and human rights were being reinforced, ideologies, doctrines, social movements and political parties which were an incitement to racism and xenophobia could be seen emerging. Such movements threatened the peaceful coexistence of individuals, social groups and States in that they encouraged violence, aggression and war and sometimes even jeopardized international peace and security. Racial discrimination in such a context took on new forms. It was alarming to observe that those forms were becoming increasingly frequent in many European countries and that migrant workers and their families, along with refugees, were the main victims. He stressed that international legal instruments to protect migrant workers were inadequate and were sector-oriented. The most important were ILO Conventions Nos. 97 and 143. The international Migrant Workers Convention, negotiated and adopted by consensus by the United Nations General Assembly, had not been ratified. Migrant workers, who were among the most vulnerable populations, did not have the benefit of a binding legal instrument of a general scope which protected their fundamental rights. This gap in the law was all the more serious in that the process of globalization augmented migratory flows which occurred under conditions still more unfavourable to migrant workers. Globalization was supposed to lead to the progressive liberalization of the factors of production; and yet the only factor of production which, far from being liberalized, was the subject of increasingly protectionist and discriminatory measures, particularly in industrialized countries, was labour. Studies showed that it was only in the long term that the liberalization of trade would have positive effects in developing countries; meanwhile, those countries were affected by growing unemployment and under-employment. That was why workers from those countries emigrated. The developed countries, confronted with that phenomenon, were to an increasing extent closing their frontiers. It was a contradiction of the globalization process, which was becoming a source of conflict. According to a recent ILO study, 120 million people were concerned, and the problem was spreading among developing countries. Tensions became acute when migrants settled in host countries where they found themselves faced with legislation that frequently discriminated against them and violated their rights. The situation of illegal workers

was even more alarming, in that they were the victims of systematic violations of their rights. As Mr. Eide had said, discrimination against them in criminal matters was particularly serious.

2. In contrast to those deplorable developments, there were also forward-looking initiatives. The European Union's decision to impose sanctions on a country which had brought to power individuals whose ideology was incompatible with democratic principles and respect for human rights was a step in the right direction. Legislation in favour of migrant workers was also encouraging, such as the Aliens Act recently adopted in Spain, which contributed to the integration of foreign workers into Spanish society. Legislation of that nature ought to have a constructive influence on other countries. It was not a matter of calling in question the right of States to regulate the entry to and residence on their territory, but of whether such regulations fully respected the fundamental rights of foreigners, or if on the contrary they encouraged, even unintentionally, discrimination and xenophobia.

3. The World Conference against Racism should therefore not only adopt an international programme to promote the human rights of non-nationals and migrant workers in general, but also define a set of principles and rules concerning the rights of those workers and their families, which all countries would incorporate into their domestic law. It was also essential that affirmative action should be taken to prevent violations of migrants' rights at all stages of the criminal justice system. More generally, the Conference should encourage the drafting of a set of principles to ensure that temporary guarantees to migrant workers were respected pending the ratification and entry into force of the Convention for their protection. The success of the Conference would depend largely on the political will of the Governments and the moral principles they were prepared to defend. Contributions should be encouraged from governmental organizations and organizations representing the most vulnerable populations. He energetically supported Ms. Daes's proposal to promote the participation of representatives of indigenous peoples at the Conference.

4. Mr. PARK pointed out that racism and racial discrimination were closely related to issues of peace and security, as certain events since the end of the cold war had amply demonstrated. The forthcoming World Conference should therefore be an integral part of action in favour of a harmonious and peaceful existence for all. From that point of view the Sub-Commission should spare no effort to ensure its success.

5. The recent development of xenophobia in Europe was a matter of great concern. Incitement to hatred and hostility to foreigners via the Internet were reaching unacceptable levels. There was a need to curb the phenomenon, not only because foreigners were equally human beings but also because they contributed to the economic and social development of the countries in which they settled. He was delighted that Mr. Weissbrodt's study of the rights of non-nationals had widened the scope of the problem and considered that public opinion should be made aware of the contribution of foreigners and the importance of harmonious coexistence with them.

6. The Millennium Summit to be organized by the United Nations in September 2000 should be the occasion for drawing up a response to the challenges of the twenty-first century. He proposed that the Sub-Commission should examine the best means of using the Summit to mobilize international public opinion and stress the importance of the World Conference in the

struggle against racial discrimination. The joint declaration which would be adopted following the Summit should contain a reference to the Conference. Similarly, the parliaments of States Members of the United Nations, the media, civil society, etc., should be encouraged to reaffirm their commitment to the struggle against racism, to define more efficient means of combating racial discrimination, and to envisage the possibility of compensating victims of acts of discrimination, bearing in mind the cultural context of each nation.

7. Stress should be laid on the role of regional human rights institutions and agencies since they had been established above all for putting an end to racial discrimination.

8. He complimented Mr. Pinheiro, Mr. Weissbrodt, Mr. Oloka-Onyango and Mr. Bossuyt on the quality of their studies, which were an excellent contribution to the World Conference.

9. Mr. RAJEEH PRASAD (Observer for India), speaking in exercise of the right of reply, said he was not persuaded that the question of castes, to which reference had been made during the debate on agenda item 3, was related to racism, racial discrimination and intolerance. Although the caste system was based on birth, it was obvious that the term "descent" as used in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination referred to racial descent. The caste system, however, had no connection with race, but had its origins in the functional division of Indian society in ancient times. It was true that the members of "scheduled" castes were traditionally subjected to discrimination and exclusion; however, the Indian Government unequivocally condemned such practices. The Constitution of India mandated affirmative action in favour of members of disadvantaged castes. Some of them held very senior positions in the political executive. Seats were reserved for them in the Parliament and State Legislative Assemblies and in government services and educational institutions. Special legislation had also been enacted for the protection of their civil and political rights.

10. His Government believed that discrimination based on caste had no place in a society which believed in equality and human rights and had committed itself to its elimination.

11. Mr. RAJA NUSHIRWAN (Observer for Malaysia), speaking in exercise of the right of reply, referred to a statement by an NGO which had mentioned the 1969 race riots in Malaysia. He wished to state that a white paper had been tabled before Parliament at the time. It was therefore untrue to say that there had been no open public inquiry into the events. The NGO had also alleged that the Government had used the horrible event to strike fear into the population. Far from tolerating racism, the Government and people of Malaysia remained vigilant in the face of that scourge.

12. Where affirmative action was concerned, the policy adopted by Malaysia had a temporal target and clearly identified the beneficiaries. Affirmative action policies had also been framed as laws by the Parliament. Malaysia believed that such measures should result in a more equitable share of the rewards of growth. Its stability and economic growth testified to their success.

13. Mr. GUISSÉ , replying to a number of delegations who were of the opinion that the issue of castes was not relevant to the questions which the Sub-Commission was required to consider

under agenda item 3, said that the caste system was a genuine expression of practices of social exclusion and discrimination. It was rare for members of disadvantaged castes to be able to achieve de facto and de jure integration into society on a basis of equality. Such practices had their origin in tradition, and were so deeply rooted in society that they were problems as serious as exclusion on grounds of race or sex. He therefore considered that the matter came within the sphere of the concerns of the World Conference against Racism. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination applied to all forms of exclusion, whether due to a fact of society, to tradition or to race. Discrimination based on a caste system gave rise to a genuine problem of inequality and to a lack of protection and respect for its victims.

14. The CHAIRPERSON declared the debate on agenda item 3 closed.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (agenda item 4)

(E/CN.4/Sub.2/2000/13, E/CN.4/Sub.2/2000/14 and Add.1, E/CN.4/Sub.2/2000/15, E/CN.4/Sub.2/2000/16 and Corr.1; E/CN.4/Sub.2/2000/NGO/5-7, E/CN.4/Sub.2/2000/NGO/9-10, E/CN.4/Sub.2/2000/NGO/13-14, E/CN.4/Sub.2/2000/NGO/16-17, E/CN.4/Sub.2/2000/NGO/19-20; E/CN.4/2000/5, E/CN.4/2000/20, E/CN.4/2000/49, E/CN.4/2000/52 and Add.1; E/CN.4/1999/WG.18/2; E/CN.4/Sub.2/1998/7; E/CN.4/Sub.2/AC.4/2000/5; E/C.12/1999/10; C/RES/2000/12; Sub-C/RES/1999/98; A/RES/54/196, A/RES/54/232)

15. The CHAIRPERSON recalled that the Commission on Human Rights, in decision 2000/102, had approved the appointment of Mr. Oloka-Onyango and Ms. Deepika Udagama as Special Rapporteurs on the question of "Globalization and its impact on the full enjoyment of all human rights".

16. Mr. OLOKA-ONYANGO said that the question of globalization had developed spectacularly since the previous year. It was indeed extremely broad and multi-faceted. It was also extremely controversial.

17. The Rapporteurs had based their study on three broad considerations: first, the characteristics and the definition of globalization; secondly, the role of the most prominent institutional actors, namely, the World Trade Organization (WTO) and the multilateral financial institutions - the World Bank and the International Monetary Fund (IMF); thirdly, the issue of equality and non-discrimination, with particular attention to sexual inequality and the

phenomenon of racial discrimination. Lastly, the authors had examined the applicable human rights instruments and the role and place of the United Nations institutions in globalization.

18. The definition of globalization used took into account the tremendous developments in information and communications technology and its implications for human rights. While the "shrinking" of the world might not in itself be a bad thing, it was a matter for concern that fewer and fewer people stood to gain from it. Similarly, while there was no cause to oppose the universalization of transactions, there was a problem with the unequal, discriminatory and marginalizing elements accompanying it. The emphasis on the "market", especially when it was defined in purely economic terms, was alarming since certain human transactions could not be subjected to its logic. The opening of markets must take account of the frail capacities of the economies of the least-developed countries, which were the majority in the world. Values as basic as equality, non-discrimination and participation could not be ignored in the name of the market. Elements such as power and profit were always present in the concept of the "market".

19. The report illustrated the prominence of the World Trade Organization (WTO) in the debates about globalization. Of particular concern to the Special Rapporteurs was the fact that the institution's fundamental raison d'être appeared to be the consolidation of free-market theories. The Organization acted as if there was a level playing field in the market when as a matter of fact the mechanisms were skewed against economies in the South in general and against individuals of colour, minorities, women and indigenous peoples in particular. One of the most controversial aspects of WTO's mandate was patenting, and particularly the Agreement on Trade Related Intellectual Property Rights (TRIPS). All those aspects were compounded by WTO's lack of transparency.

20. Where the Bretton Woods Institutions were concerned, policies of finance, investment and economic reform advocated by the World Bank and IMF were of particular concern. It might be asked to what extent those institutions considered themselves bound by the international human rights instruments and to what extent they took basic human rights principles into account. It should, however, be noted that the World Bank had accepted that human rights principles and considerations other than those of a purely economic nature could be taken into account in the conduct of its activities. Although it did not go far enough, that nevertheless helped to improve its image compared with that of IMF. Indeed, the Fund had always insisted that non-economic activities were not its concern. A slight shift in attitude could, however, be discerned. In April 2000, an Independent Evaluation Unit had been established in the Fund with a view to improving transparency. Unfortunately, developments on that reform seemed to confirm that IMF continued to act as usual, i.e. in the manner of a closed shop. If that was the case, the Fund would end up with a mechanism that only had the form but not the substance of independence.

21. Ms. DEEPIKA UDAGAMA pointed out that globalization had so profound an impact on humanity that any discourse on human rights had to be situated in that context. Because of globalization, disparities were becoming ever greater between and within nations, since only certain sectors of society benefited. According to a report of the United Nations Secretary-General of July 1999, absolute poverty in the world was growing. More than 1.5 billion people lived on less than one dollar a day. The disparities had further marginalized already vulnerable groups in society, particularly women who were increasingly

numerous in the labour market; in 1996, the overall economic activity rate of women for the age group 20-54 was approaching 70 per cent. As the report noted, countries continued to relax labour standards to attract foreign direct investment in a perverse "race to the bottom". The United Nations Secretary-General had stressed that adverse labour conditions were a major factor contributing to the growing feminization of poverty. In addition, the reduction of social security measures provided by the State in the new economic environment had exacerbated the economic insecurity of women workers.

22. Economic globalization was a complex phenomenon and indeed did not only have negative aspects. A balance needed to be struck between liberalization and social justice, on the understanding that globalization must be subjected to the rules of international law. That required that the fundamental principles laid down in the Charter of the United Nations must be strictly adhered to by those spearheading globalization. By no stretch of the imagination could WTO, the International Monetary Fund and the World Bank be exempted from the obligation of ensuring respect for human rights.

23. It was equally important to formulate a framework that would legally bind private economic actors, particularly the transnational corporations whose policies sometimes had extremely deleterious effects on human rights and the environment. Given that those corporations were more powerful than most developing nations, it was difficult to rely on the traditional model of State regulation. The Rapporteurs were looking forward to the deliberations of the Sub-Commission's working group on transnational corporations.

24. She considered that all United Nations organs and agencies should take on the challenges posed by globalization. Specialized agencies such as UNCTAD and ILO and the human rights bodies such as the Economic and Social Council, the Sub-Commission and the Commission on Human Rights performed valuable work in that regard. However, where treaty-based mechanisms were concerned, except for the Committee on Economic, Social and Cultural Rights, most did not appear to emphasize sufficiently the impact of economic globalization on their respective mandates. The Office of the High Commissioner for Human Rights must give leadership in that regard.

25. Mr. GUISSÉ was delighted at the evocation of problems with which he was familiar as a national of a third world country. The phenomenon of the privatization of resources which could enable the inhabitants of third world countries to live decently had now become international. Supported by IMF and the World Bank, WTO was taking a regrettable approach which quite simply consisted in privatizing the international community. The Sub-Commission, established to ensure the protection and promotion of human rights, should be consistent and prevent that private colonization, the sole aim of which was profit. Globalization would lead to the aggravation of poverty among the poor and widen the gulf between rich and poor, or even cause the disappearance of some populations. The United Nations could take the logical step of opposing the existence of an organization like WTO which had declared that United Nations rules did not apply to it. The international financial institutions which supported a policy of that nature had never served other than to assist the powerful to the detriment of the poorest. Their very existence had contributed to aggravating poverty. If an organization like WTO held the world's reins, the countries of the third world that wished to participate in exploiting the Earth's resources and sharing in the profits would no longer be able to make themselves heard.

26. Mr. YOKOTA said that although it was true that all human rights were indivisible and should be treated comprehensively, too much emphasis had been given in the past to "civil and political rights". In the future, more focus should be placed on economic, social and cultural rights which, if the need arose, should be the subject of separate instruments, concerning the right to a minimum standard of living, the right to adequate food, the right to adequate housing and the right to education. For the full realization of those rights, national programmes of action should be drawn up specifying concrete targets to be achieved with a timetable for each, geared to each country's circumstances. In order to ensure economic, social and cultural rights for all, new resources were needed, particularly for the least advanced developing countries. It would be useful to strengthen international cooperation through the international aid agencies and ensure that the latter concentrated more on human rights as part of their activities.

27. He fully endorsed the position of the authors of the report on globalization and its impact on the full enjoyment of all human rights concerning the role of the international economic and financial institutions such as WTO, IMF and the World Bank in the globalization process of economic activities, and particularly their lack of sensitivity to the economic, social and cultural rights of those who lived in poverty. No attention had hitherto been given to the detrimental consequences of their policies and activities on the peoples of developing countries who were faced with price rises, unemployment and cuts in social welfare as a result of the draconian conditions imposed on them.

28. It was important that the international economic and financial institutions should change their course and be more responsible to the needs of the peoples of developing countries. The United Nations Development Programme (UNDP) had been a pioneer in addressing that question and its "Human Development Report 2000", subtitled "Human Rights and Human Development", dealt directly with it. The question of whether the international economic and financial institutions were subject to international law in general and to international human rights law in particular was very pertinent, but the next question was how to place them under the rule of international human rights law.

29. He had some suggestions to make. The World Trade Organization, which was not a United Nations specialized agency, should conclude an agreement governing its relations with the United Nations. The Economic and Social Council should once again assume to the full its responsibilities under the Charter concerning the consideration of substantive issues of economic, social and cultural rights. It should coordinate the activities of United Nations organs and specialized agencies, including IMF and the World Bank, in the field of development assistance and human rights. Lastly, he proposed that the Economic and Social Council could establish a subsidiary body to be called an "NGO Forum" composed of representatives of NGOs in the field of human rights, the environment, development and humanitarian assistance, disarmament, education and cultural affairs. The Forum would submit information and suggestions to the Economic and Social Council.

30. Mr. FAN began by reading the third part of the declaration adopted by the Millennium Forum of NGOs on 26 May 2000. The passage, entitled "Facing the challenge of globalization: equity, justice and diversity", revealed that if for some globalization was transforming the world into a global village with consequent political and economic changes that opened unprecedented possibilities of prosperity, to most, globalization was a process of economic, political and

cultural domination by the economically and militarily strong over the weak. For example, in the 1960s the combined assets of the top 200 corporations had accounted for 16 per cent of the world's Gross Domestic Product (GDP), 24 per cent by the early 1980s and 34 per cent in 1995. In that process not only had the gap between the haves and the have-nots widened but the ranks of the poor were swelling, civil societies were being threatened and Governments were becoming dependent. The globalization process was not inevitable, but one resulting from decisions taken by human beings. It could and must be redirected to become a democratic process in which people were at the centre as participants and beneficiaries.

31. He regarded the right to development as a right of both persons and peoples. Above all, it was the right of a nation, the right of a society. The idea of presenting the human person as the central subject of development was misleading since it was a question of promoting a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation. Two basic conditions were required to guarantee respect for economic, social and cultural rights in a country - a good general level, particularly in economic and scientific achievements, and social justice and fair income distribution.

32. Poor countries certainly encountered more difficulties than rich ones, but social inequalities and injustice also existed in rich countries. Lack of efficiency, poor governance and corruption were likewise not the monopoly of developing countries. It was desirable for developing countries to benefit from high-technology banking and economic management while maintaining their traditional values and specific national conditions.

33. With reference to UNDP's "Human Development 2000" report, he welcomed the assertion it contained that human development was essential for realizing human rights and that human rights were essential for full human development. The following chapters, however, gave the impression that the authors wished to emphasize human rights, particularly political freedoms, rather than economic development. He was of the view that development was the infrastructure of a society while human rights were part of the superstructure. Political rights were indispensable for ensuring the enjoyment of economic, social and cultural rights but could not genuinely be enjoyed without development and without prosperity.

34. Mr. YIMER, referring to the demonstrations in Seattle and Washington, which would no doubt be repeated in Prague, said that those reactions revealed the importance of the stakes of globalization at the international level. As paragraph 7 of the report of the Special Rapporteurs stated, understanding the political and other dimensions of the phenomenon of globalization was essential to the development of a rational and considered response to it.

35. He considered the issues raised in paragraph 24 of particular importance in that they dealt with the responsibility of the international financial institutions with regard to human rights. Chapter 3 for its part, on globalization, equality and non-discrimination, was of capital importance in his view. As the report said, it was an absurdity to assert that globalization had created the inequalities; they had existed well before the emergence of globalization as a phenomenon on its own account on the international scene. Globalization had merely reinforced them.

36. He quoted a passage from an editorial that had appeared that day in the International Herald Tribune on the Secretary-General's initiative known as the "Global Compact". According to the article, the backlash against globalization would gather force until measures were applied to soften its harsher side. The "Global Compact", which major companies were encouraged to sign and in respect of which they were supposed to announce proof that they were implementing it, was a response to that concern. As paragraph 58 of the report recalled, UNCTAD had long acted on its own in the fight to mitigate the damaging effects of globalization, and it would be advisable for other bodies to join it.

37. The impact of globalization on human rights, discussed in the report's conclusions and recommendations (para. 66), and particularly its impact on the environment, should be evaluated before the companies began their activities.

38. He also endorsed the Special Rapporteurs' recommendation concerning the development of cross-agency dialogue (para. 67) and further considered that the Special Rapporteurs should remain seized of the subject and prepare a final report (para. 68).

39. Ms. FREY said that at the present day, with the emergence of new actors on the international scene, namely, markets, multinationals and even individual investors, international law no longer concerned States only. A review of international instruments and machinery was therefore needed if human rights in all spheres were to be protected.

40. Bearing in mind the conclusions of the Special Rapporteurs' report concerning the adverse effects of globalization on the full enjoyment of all human rights, she suggested that the Sub-Commission and the Special Rapporteurs should keep a close watch on specific violations resulting from the implementation of programmes designed by the multilateral financial institutions and encourage the latter to take human rights into account in their decisions. The Special Rapporteurs could, for example, include in their next report a description of some of the decisions taken by the institutions in the course of the year, and an analysis of their effects on human rights.

41. The Sub-Commission should also continue to consider the direct and indirect effects of the activities of private companies on human rights. The Global Compact, in which the Secretary-General defined nine basic principles with which the transnational corporations must comply and regarding matters involving the environment and working standards, was a very forward-looking innovation. The work of the Working Group on labour methods and the activities of transnational corporations was also useful in that regard. At future sessions of the Sub-Commission, the Working Group would need to be able to collect testimony from persons whose rights had been adversely affected by the activities of such corporations.

42. The Sub-Commission should check whether States complied with the obligations incumbent on them concerning the protection of their nationals by means of appropriate legislation to counter the corrupt effects of globalization, namely, physical and economic exploitation, health risks and deterioration of the environment. The Sub-Commission had an important role to play in ensuring that States required both national and foreign companies to comply with international human rights standards.

43. Lastly, one aspect of globalization, namely, the development of information and communications technologies, had been very positive for non-governmental organizations, which had been able to circulate very rapidly throughout the world information concerning the activities of the multilateral institutions, transnational corporations and States. She encouraged those organizations to continue to keep public opinion informed of the abuses and violations linked to globalization.

44. Ms. MBONU regretted that the report under consideration had become available only the previous day. With a subject of such technicality and complexity, the members of the Sub-Commission should have received the document sufficiently in advance to be able to furnish the Special Rapporteurs with additional information.

45. The participants at the most recent Summit of the Group of 77 held in Havana in April 2000 had come to the conclusion that globalization could, if properly harnessed and managed, lay the foundations for equitable growth at the international and national levels.

46. The legitimacy of globalization was being called in question because sufficient attention had not been given to its political, economic, social and cultural implications in developing countries. Although the majority of developing countries had made poverty alleviation their priority objective, policies of austerity were imposed on Governments by the multilateral institutions leaving them practically no resources for job creation. Unemployment affected 60 million young people in the world according to ILO and its consequences were the development of national and trans-border criminality, prostitution, drug trafficking and trafficking in human beings.

47. The realization of economic and social rights in developing countries was not possible if some of them were obliged to sacrifice a quarter of their export earnings to service the debt. She supported the recommendation of the Special Rapporteurs that existing debt relief measures must be reviewed from the human rights perspective (para. 63).

48. Recalling Sub-Commission resolution 199/10 and Commission on Human Rights decision 2000/107 on the Social Forum, and realizing that it would not be possible to hold it during the session of the Sub-Commission which had been reduced by a week, she said she intended to submit a draft decision calling for the Social Forum to meet in the form of a pre-sessional working group.

49. Lastly, she welcomed the work of the Working Group on the working methods and activities of transnational corporations, especially its decision to develop a code of conduct for companies based on international human rights standards.

50. Mr. KARTASHKIN, noting that the authors of the report admitted that they had not been able to examine all issues in depth, said that he hoped that the gaps would be filled and that subjects which had not been addressed in the preliminary report would appear in the final report.

51. Globalization was not a temporary phenomenon but a long-term process destined to expand still further. As Ms. Frey had said, the relations between the State and the actors in the

market were changing, but States continued to play a decisive role in international relations by the very fact that they defined international standards and would have the new task of monitoring their implementation by the agents of globalization.

52. The report mentioned the role of the non-governmental organizations. It should be stressed that those organizations should not merely criticize the activities of the bodies involved in globalization, but should also propose constructive solutions.

53. Globalization had positive as well as negative effects; the latter included the growth of inequalities. It was the duty of the Sub-Commission to propose solutions which would eliminate the negative effects. The recommendation contained in paragraph 66 of the report, to formulate guidelines which would elaborate the obligations of the main actors of globalization, was very pertinent. He would emphatically encourage the Special Rapporteurs to draw up guidelines of that type.

54. A positive aspect of globalization was that, where article 2 of the International Covenant on Economic, Social and Cultural Rights was concerned, all States admitted that the rights set out in the Covenant were not an ideal towards which they should strive but rights which it was their obligation to protect. The rapid adoption of the Optional Protocol to the Covenant should contribute to meeting that obligation.

55. Mr. JOINET said that he hoped that the authors of the report would develop the question of the role of the non-governmental organizations, whose action had been fundamental in creating the awareness manifested in Seattle and subsequently in Davos. He asked, for example, what the Special Rapporteurs thought of the boycotts, and what their opinion was of the introduction of the famous Tobin tax on currency transactions and whether it was a realistic idea which would permit some balance to be restored.

56. The CHAIRPERSON recalled that the Sub-Commission had requested Mr. Guissé, in its decision 1999/107, to complete his working document entitled "The right of access of everyone to drinking water supply and sanitation services" (E/CN.4/Sub.2/1998/7), without the financial implications, and to submit it at its fifty-second session.

57. Mr. GUISSÉ, introducing his working document, recalled the important events organized by the United Nations, including the United Nations Water Conference in Mar del Plata in 1977, the International Drinking Water Supply and Sanitation Decade (1981-1990) and the World Day for Water, celebrated annually on 22 March since 1993.

58. According to reliable statistics, more than 1 billion people did not have access to drinking water and nearly 4 billion did not live in proper hygienic conditions; other conferences had been convened for that reason to draw up programmes of action.

59. Human activities overall depended on water supply, whether domestic needs, agriculture (which absorbed some 80 per cent of available resources) or industry.

60. The question of water was linked, directly or indirectly, to human rights, in particular the right to life. By 2025, 3 billion individuals would be experiencing water shortage. The right to

life of those persons would be seriously threatened. The absence or shortage of water was related to present and future conflicts in the world. The shortage of drinking water was therefore a serious threat to peace and security in the world.

61. The exercise of the right to food also involved the existence of adequate fresh water resources. In order to feed a growing world population, food production had to be stepped up and the quantity of water used for irrigation increase for that purpose. According to WHO, 80 per cent of illnesses were transmitted by polluted water. Water quality thus had a decisive influence on the exercise of the right to health.

62. As for the right to housing, the Committee on Economic, Social and Cultural Rights had stated in its General Observation No. 4 that it involved permanent access to drinking water and sanitation.

63. In developing countries, the shortage of drinking water supply systems was a considerable obstacle to the education of girls, who had to go long distances to fetch water and therefore could not attend school.

64. The right to a healthy environment was threatened by the constant deterioration of the quality of water as a result of pollution and a massive use of pesticides and other chemicals.

65. Inequalities in access to drinking water, whether geographical or socio-economic, required the implementation of extensive public programmes for the improvement of drinking water supply in developing countries, with the participation of those concerned and as part of international technical, scientific and financial cooperation.

66. Peoples had the right to dispose freely of their wealth and natural resources, particularly their water resources. It was alarming to note that in developing countries water resources were sometimes privatized, to the advantage of the transnational corporations, in a kind of private colonization which was the successor of traditional colonization.

67. Before giving the go-ahead to the study on the right of access of everyone to drinking water supply and sanitation services, the Commission on Human Rights had requested the Sub-Commission to define that right. He considered that for the time being no such definition was either possible or useful. Even developed countries which had incorporated the right in their legislation had never given an accurate definition of it. Initially, however, an attempt could be made to determine the elements which comprised it, which would provide a basis for drawing up a definition.

68. He hoped to be able to submit a preliminary report on the question of access to drinking water in 2001, an interim report in 2002 and his final report in 2003.

69. Mr. BENGOA agreed with Mr. Guissé that the right of everyone to drinking water supply and sanitation services was a fundamental right. In April 2000 he had been in Tanzania when the country had been in the grip of a severe drought. It had rained a little and he had seen hundreds of women in Masai territory, which he had been invited to visit, using tins to collect a little water in the puddles. The Masai had explained to him that many of them had been deprived

of the land where there was most water, particularly in the nature reserves and mining regions. If drinking water programmes were to be successful, women must of necessity be closely associated with their implementation since it was most often women who were responsible for fetching the water for the family's needs. He very much hoped that Mr. Guissé would be able to carry out and complete his study.

70. With reference to poverty, he drew attention to the report submitted to the Commission on Human Rights at its fifty-sixth session by the independent expert Ms. Lizin. The arguments put forward in paragraphs 7 to 12 of the report (E/CN.4/2000/52) to justify the addition of the adjective "extreme" to "poverty" struck him as unconvincing. For Ms. Lizin, "Extreme poverty suggests not merely material deprivation but also social exclusion". In his opinion, poverty itself equally involved exclusion. The concept of "extreme poverty" seemed to him to be slightly paternalistic and to carry with it notions of pity and charity. He was surprised that in her report (para. 15) Ms. Lizin had quoted a former World Bank President, Mr. McNamara, who had stressed that "the poor countries had the fundamental right to a minimum of food, health care and education." The quotation was all the more surprising in that, as Mr. Oloka-Onyango and Ms. Udagama had emphasized in their report, the international financial and trade institutions carried a large share of responsibility for the poverty which burdened many countries.

71. It would be desirable that the International Declaration on human rights and poverty - if it was to be drafted - should emphasize the need to emancipate the poorest groups. Stress should be placed on providing autonomy not assistance when it came to the enjoyment of all human rights for the victims of poverty.

72. Mr. RODRIGUEZ CUADROS pointed out that globalization had a positive effect when it contributed to affirming the universal nature of the international system of human rights and democratic principles. Where the adverse effects were concerned, the Special Rapporteurs should add further details to their study. Since the letters of intent signed by countries within IMF were official documents, their content should be analysed so that the cutbacks in expenditure which the structural adjustment programmes were liable to produce could be examined. Those cutbacks had extremely damaging repercussions in such areas as health and education and social welfare generally. In order to mitigate the adverse effects of globalization it was not enough to resort to emergency measures on behalf of the most vulnerable groups whose very survival was at stake. It was also necessary to draw up, as ILO had already done, strategies based on job creation.

73. In their study on globalization, Mr. Oloka Onyango and Ms. Udagama should stress the obligation incumbent on States which implemented structural adjustment programmes to ensure the economic, social and cultural rights of their population and in order to do so regulate their companies' activities without, however, challenging the freedom of their economic exchanges. The responses of civil society to globalization should also be studied in more depth.

74. Where the right of access to drinking water was concerned, Mr. Guissé had clearly shown the links between access to drinking water and the fundamental rights - the right to life, to adequate food, to health, to development and to a healthy environment. He hoped that Mr. Guissé could continue his study; in his opinion it would be better not to become enmeshed in the ins and outs of a technical or legal definition of the right of access to drinking water.

75. Mr. SIK YUEN shared Mr. Guissé's opinion that the right of access to drinking water should be considered a human right.

76. Where the preliminary report on globalization and its impact on the full enjoyment of all human rights was concerned, Mr. Guissé had rightly stressed that the key idea in globalization was profit and that a handful of economic actors had supreme control of the markets.

77. A vast trend towards concentration was in progress. Two hundred companies alone accounted for 34 per cent of the world's gross domestic product. The oligopolistic nature of the structure put the consumer in a weak position, giving him the illusion of being able to choose among a large number of different products which were actually manufactured by two or three companies.

78. As Mr. Yokota had suggested, bodies should be set up to ensure that the actors in globalization, particularly the international financial and commercial institutions and the multinational companies, complied with some good practices, particularly those featured in the code of conduct Mr. Weissbrodt had prepared.

The meeting rose at 1 p.m.